IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.686 OF 2007

Sanjay Chaitya Kadu, .. Petitioner.
Vs
The State of Maharashtra and anr.. Respondents

Mr S.R.Chitnis, Senior Counsel with Mr M.S.Mohite, for the petitioner.

Ms P.H.Kantharia, APP for the respondents.

CORAM : SMT.RANJANA DESAI & D.B.BHOSALE,JJ.

DATED : 11th APRIL, 2007

P.C.:

1. The only grievance made in this petition is that despite the directions of the Supreme Court, the trial of TADA Special Case nos. 2/1996, 1/1997 and 2/1997 is not being taken up for hearing on day-to-day basis. We have heard Mr Chitnis, learned senior counsel for the petitioner. Mr Chitnis has drawn our attention to the orders of the Supreme Court dated 19.4.2006 and 12.2.2007. We find that the Supreme Court has directed that the trial Court must proceed day-to-day and conclude the trial within a period of six months from the date on which a copy of the Supreme Court's order is communicated to the trial Court. This order is dated 19.4.2006. The second order, which is dated 12.2.07, states that the trial court shall proceed with the trial with utmost expedition. We are distressed to note that despite

the clear directions of the Supreme Court the trial of the said cases is not going on day-to-day basis. Mr Chitnis made a serious grievance that the learned Special Public Prosecutor is not cooperating with the Court. On this, we do not want to express any opinion. However, if the Special Public Prosecutor who is in charge of these cases, is unable to attend to it on day-to-day basis, the State may consider appointing a new Public Prosecutor. In the circumstances of the case, we make the petition absolute in terms of prayer clause (a).

. Parties to act on an authenticated copy of this order.

(D.B.BHOSALE,J.) **(SMT.RANJANA DESAI,J.)**